

C1 a phase shift pattern whose surface is planarized, selectively formed on said transparent substrate and part of said shade pattern formed in said hollow section.

Sub 3 C2 7. (Thrice Amended) A photomask comprising:

a transparent substrate;
a hollow section formed on a surface of said transparent substrate;
a shade pattern made up of a shade film, said shade film formed in said hollow section; and
a phase shift pattern formed in said transparent substrate by another hollow section.

Sub D4 C3 13. (Twice Amended) A photomask comprising:

a transparent substrate; and
a halftone phase shift pattern selectively formed on said transparent substrate,
wherein a surface of said phase pattern is flat.

Sub D4 C4 15. (Twice Amended) A photomask comprising:

a transparent substrate; and
an intermediate type phase shift pattern selectively formed on said transparent substrate,
wherein a surface of said phase shift pattern is flat.

Sub D5 C5 22. (Amended) A photomask fabrication method comprising the steps of:
forming a resist film on a transparent substrate;

forming a desired pattern on said resist film by developing said resist film after said resist film is selectively exposed by using a radiation ray;

forming hollow sections in said transparent substrate by selectively etching said transparent substrate by using said resist film as a mask;

eliminating said resist film from said transparent substrate;

forming a shade film in each of said hollow sections;

performing a chemical and mechanical polishing for said shade film in order to form a shade pattern;

forming a resist film on said transparent substrate in which said shade pattern has been formed;

selectively etching said resist film by using said radiation ray; and

selectively etching said transparent substrate to form a phase shift pattern in the transparent substrate.